

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

VINCENT DOAN,

Petitioner,

v.

HAROLD CARTER, WARDEN,

Respondent.

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Case No. 00-CV-727

JUDGE BECKWITH

MAGISTRATE JUDGE HOGAN

PETITIONER DOAN'S NOTICE OF SUPPLEMENTAL AUTHORITY

Now comes Vincent Doan, through counsel, and hereby submits the decision of the United States Court of Appeals for the Ninth Circuit in *Bockting v. Bayer*, 399 F.3d 1010(2005), as supplemental authority. Petitioner's "Fifth Ground for Relief" states that the Supreme Court, in *Crawford*, "examined the constitutional protection of confrontation and cross-examination and the prohibition against introduction of hearsay." Petitioner conceded, however, that *Crawford* had only been applied to cases on direct appeal. The holding in *Bockting* applies *Crawford v. Washington*, 124 S.Ct. 1354 (2004), retroactively, because *Crawford* introduces a new rule, as required for retroactive application under *Teague v. Lane*, 489 U.S. 288 (1989) and because the absence of the new rule severely diminishes the likelihood of an accurate conviction. A copy of the decision has been attached for the convenience of the Court and opposing counsel.

Respectfully submitted,

/s/Kort Gatterdam

Kort Gatterdam (0040434)

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Notice of Supplemental Authority was served by clerk's electronic filing e-mail upon Stuart Cole, Assistant Ohio Attorney General, on the 22nd day of July, 2005.

/s/Kort Gatterdam

Kort Gatterdam